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PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

**Telecommunications Division
Public Programs Branch**

**RESOLUTION T-16824
May 6, 2004**

R E S O L U T I O N

**RESOLUTION T-16824. WWC LICENSE LLC (WESTERN WIRELESS).
TO DESIGNATE WESTERN WIRELESS AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER PURSUANT TO THE FEDERAL
COMMUNICATIONS COMMISSION'S REPORT AND ORDER (FCC
97-157) IN THE MATTER OF FEDERAL-STATE JOINT BOARD ON
UNIVERSAL SERVICE (CC DOCKET NO. 96-45).**

Summary

This Resolution grants Eligible Telecommunications Carrier (ETC) status to Western Wireless, as of the effective date of this resolution, in Imperial County. Western Wireless has satisfied the requirements for ETC designation as set forth in Resolution T-16086, and the ETC eligibility and service requirements under the FCC rules. Western Wireless was previously approved ETC status in Inyo and Mono Counties by the Commission in Resolution T-16436. Western Wireless is obligated to provide all the designated services for federal universal service support in the areas for which it is designated an ETC.

Background

Pursuant to the Federal Communications Commission's (FCC) Report and Order (R&O) on Universal Service (FCC 97-157), only eligible telecommunications carriers (ETCs) designated by state commissions will be eligible to receive federal high cost, low income, and most rural health care universal service support beginning January 1, 1998.¹

Resolution T-16086

In Resolution T-16086, the Commission adopted procedures and guidelines for designating ETCs in accordance with the FCC rules. The Commission directed all

¹ 47 C. F. R. § 54.201 (a)(1).

incumbent local exchange carriers, facilities-based competitive local carriers, and facilities-based broadband commercial mobile radio service (CMRS) carriers seeking ETC status to submit to the Telecommunications Division the following: (1) self-certification letters indicating their compliance with the ETC eligibility requirements, (2) advice letters to implement any necessary tariff changes consistent with the ETC service requirements, and (3) requests for additional time to complete network upgrades needed to provide single-party, E-911, or toll limitation services.²

Carriers were instructed to include the following in their self-certification letters: (1) the service areas for which the carrier is requesting ETC designation, (2) an itemized list of the designated services to be provided, (3) a list of any services which the carrier proposes not to provide and for which the carrier is requesting an extension of time, (4) an indication of whether the carrier plans to apply for a waiver of the requirement that an ETC not disconnect Lifeline service for non-payment of toll charges, (5) a description of the carrier's advertising plan, indicating the advertising media to be used, and an explanation of how its plan meets the advertising requirement in section 214(e) of the Telecommunications Act.³ The requirement to file advice letters implementing necessary tariff changes does not apply to commercial mobile radio service (CMRS) carriers to the extent that they are not required to maintain tariffs with the Commission. A CMRS carrier seeking ETC designation, however, needs to indicate in its self-certification letter how federal Lifeline and Link Up rate reductions will be passed through to qualifying low-income customers.

Resolution T-16086 also required carriers requesting additional time to undertake network upgrades necessary to provide single-party service, access to E911, and/or toll limitation services, to provide (1) a justification for the extension request, (2) an indication of the length of time for which the extension is being sought, (3) an implementation plan for the network upgrades necessary to provide any of the above services, and (4) an estimate of the cost of undertaking the network upgrades. Furthermore, carriers seeking a waiver of the prohibition to disconnect Lifeline service for non-payment of toll charges were directed to apply for such a waiver to the Commission. The waiver application must demonstrate that (a) the carrier would incur substantial costs in complying with this requirement, (b) the carrier offers toll limitation to qualifying low-income customers without charge, and (c) the telephone subscribership among low-income customers in its area is greater than or equal to the national subscribership rate for low-income consumers.⁴

² Resolution T-16086, Ordering Paragraphs (O. P.) 1 and 2.

³ Id., O. P. 3.

⁴ Id., O. P. 4 and 5.

Resolution T-16436

The Commission in Resolution T-16436, dated July 20, 2000, granted ETC status to Western Wireless in substantial parts of Inyo and Mono Counties.

Notice/Protests

Notice of Filing of the self-certification application letter request by Western Wireless to be designated as an ETC for purposes of federal universal service support was published in the Commission Daily Calendar of December 17, 2003. No protest to this letter request has been received.

Discussion

WWC License LLC (Western Wireless), an FCC licensed, CPUC certificated provider of commercial mobile radio services (CMRS), submitted a request for ETC designation to the Telecommunications Division on October 7, 2003. Telecommunications Division Staff reviewed the request considering Western Wireless' compliance with the Commission's guidelines in Resolution T-16086, and the FCC's eligibility and service requirements for ETCs.

A. Compliance with ETC Eligibility and Service Requirements

In Resolution T-16086, the Commission indicated that it will designate the Geographic Study Area (GSA), i.e., census block groups (CBGs), as the service area for purposes of the federal universal service obligations and support mechanisms for areas served by non-rural LECs, consistent with 47 C.F.R. § 54.207. Western Wireless requested ETC status in substantial parts of Imperial County and including the CBGs listed on Attachment A attached to its self-certification application letter, that are not currently served by rural carriers.

Since CMRS carriers are not required to maintain service tariffs with the Commission, Western Wireless did not file any advice letter with the necessary tariff changes. Instead, in compliance with the directive in Resolution T-16086, Western Wireless indicated in its self-certification application letter its intent to provide all of the designated services. These services include the following:

- 1) Voice-grade access to the public switched network – Through its interconnection with local telephone companies, Western Wireless enables all customers to make and receive calls on the public switched network within the prescribed frequency range.

- 2) Local Usage – Although none currently exist, Western Wireless indicates that the company will comply with any and all minimum local usage requirements adopted by the FCC. In the meantime, the company intends to include unlimited local usage as part of a universal service offering, and may also include an offering with a stated call allowance. For example, Western Wireless intends to offer unlimited local usage as part of their Lifeline offering.
- 3) Dual tone multi-frequency (DMTF) signaling or its functional equivalent – Western Wireless currently uses out-of-band digital signalling and in-band multi-frequency (“MF”) signaling that is functionally equivalent to DTMF signaling.
- 4) Single-party service or its functional equivalent – Western Wireless provides a dedicated message path for the length of all customer calls.
- 5) Access to emergency services – Western Wireless currently provides all its customers with access to emergency services by dialing 911. Western Wireless has engaged the services of a firm in preparing the databases needed to comply with Phases I and II E911 requirements of 47 C.F.R. §20.18 and is ready to provide a public safety answering point (PSAP) with the ability to receive Automatic Number Identification (ANI) and Automatic Line Identification (ALI) from Western Wireless. The Company will work with PSAPs within its designated service areas to make E911 service available to its customers.
- 6) Access to operator service - Western Wireless currently provides access to operator services from the company or other entities.
- 7) Access to interexchange service – Western Wireless provides all its customers with the ability to make and receive interexchange or toll calls through direct interconnection arrangements the Company has with several interexchange carriers (IXCs).
- 8) Access to directory assistance – Western Wireless provides all its customers with access to directory assistance by dialing 411 or 555-1212;
- 9) Toll limitation – At present, Western Wireless provides toll-blocking services for international calls and customer related toll calls. Since Western Wireless is not an ETC in Imperial County at this time, the company has no Lifeline customers. However, once it is designated as an ETC in Imperial County, the company will participate in Lifeline, Link Up, and Tel-Assistance as required,

and will provide those customers with toll blocking at no charge, as part of its universal service offerings; and

- 10) Lifeline Services – Charges for the Western Wireless Lifeline offering will be reduced for qualified subscribers by the support received under 47 C. F. R. § 54.403.

Western Wireless did not request for extension of time to provide any of the above services and did not request for a waiver of the prohibition to disconnect Lifeline service for non-payment of toll charges. Western Wireless also confirms that it will advertise the availability of the supported services and the corresponding charges in a manner that fully informs the general public within the designated service areas of the services and charges.

Based on the application submitted to the Telecommunications Division, Western Wireless has complied with the guidelines set in Resolution T-16086 and signified compliance with the FCC's service requirements for ETCs. Western Wireless is hereby designated as ETC in the CBGs for which it has requested ETC status as of the effective date of this resolution. Consistent with Resolution T-16436, Western Wireless states that the company will advertise the designated services in annual bill inserts and white page directories. In addition, Western Wireless will advertise the same services in one or more of the following media: newspapers of general distribution, radio, or television. Western Wireless may use other means available that are not in the above list to the extent it believes they satisfy the FCC advertising requirement.

B. Universal Service Administrative Company Certification Requirements

According to the FCC rules, a state commission shall file or require an ETC to file information with the federal universal service administrator demonstrating that the carrier's Lifeline service meets the FCC requirements. Lifeline assistance shall be made available once the administrator certifies that the carrier's Lifeline plan meets the criteria.⁵

As a designated ETC, Western Wireless should file information with the federal universal service administrator, the Universal Service Administrative Company (USAC), pursuant to 47 C. F. R. § 54.401 (d), demonstrating that its Lifeline service meets the FCC requirements, and stating the number of qualifying low-income customers and the amount of state assistance. Western Wireless shall provide the USAC an estimated amount of state assistance (if any) based on current ULTS rates, net of the expected amount of federal support. A Copy of Western Wireless' filing with the USAC shall be provided to the Director of the Telecommunications Division.

⁵ 47 C. F. R. § 54.401 (d).

C. Reimbursements from the ULTS Fund

As a designated ETC, Western Wireless is eligible to obtain federal Lifeline and Link Up support. Resolutions T-16086, 16128 and 16591 require that ULTS payments from California be reduced by amounts received under the federal ETC program. However, Western Wireless does not seek state ULTS support at this time, as this is not allowed by Decision 98-10-066.⁶

Comments

In compliance with PU Code § 311 (g), copies of the Notice of Availability letter was mailed on April 6, 2004 to all Local Exchange Carriers, all facilities-based Competitive Local Carriers, and all facilities-based broadband Commercial Mobile Radio Service carriers, and parties to the universal service proceeding (OII/R 95-01-020/021). This letter advises parties of the availability of the draft resolution on the Commission website www.cpuc.ca.gov/static/industry/telco/resolutions/index.htm, and is available for public comments. In addition, the Telecommunications Division (TD) informed these parties of the availability of the conformed resolution, when adopted by the Commission, at the same website.

Timely filed comments by parties will be addressed in this resolution

Findings

1. Resolution T-16086 established a procedure for California telecommunications carriers to request designation as eligible telecommunications carriers.
2. WWC License LLC (Western Wireless), Inc. is a commercial mobile radio service (CMRS) carrier.
3. Western Wireless submitted a request for Eligible Telecommunications Carrier designation on October 7, 2003.
4. The notice of filing of the request was published in the Commission Daily Calendar of December 17, 2003.
5. No protests were received on the Western Wireless request for ETC designation.
6. Western Wireless requested Eligible Telecommunications Carrier designation in substantial parts of Imperial County and includes the census block groups (CBGs) listed in Attachment A of this resolution.

⁶ D 96-10-066, pp. 225-228.

7. Western Wireless currently provides eight of the nine specific supported services that are required for a carrier to be designated as an ETC. Although local usage is currently non-existent, Western Wireless indicates that it will comply with any and all minimum local usage requirements adopted by the FCC. In the meantime, it intends to offer unlimited local usage as part of a universal service offering, and may also include an offering with a stated call allowance.
8. Western Wireless did not request extension of time to provide any of the designated services and did not seek a waiver of the prohibition to disconnect Lifeline service for non-payment of toll charges.
9. Western Wireless indicated that it will advertise the availability of the supported services and the corresponding charges in a manner that fully informs the general public within the designated service areas of the services and charges.
10. Copies of the notice letter advising parties of the availability of this draft resolution and the conformed resolution, when adopted by the Commission, on the Commission's web site were mailed to all Local Exchange Carriers, all facilities-based Competitive Local Carriers, and all facilities-based broadband Commercial Mobile Radio Service carriers, and parties to the universal service proceeding (OII/R 95-01-020/021), on April 6, 2004.

THEREFORE, IT IS ORDERED that:

1. WWC License LLC (Western Wireless) is designated an eligible telecommunications carrier (ETC) in the geographic service area listed in Attachment A of this resolution as of the effective date of this resolution.
2. Western Wireless shall make local usage available to its customers effective on the day it is designated an Eligible Telecommunications Carrier and shall participate in Lifeline, Link Up and Tel- Assistance, as required.
3. As a designated ETC, Western Wireless will advertise its services in the bill inserts and white page directories. In addition, Western Wireless shall advertise these services in one or more of the following media: newspapers of general distribution, radio, or television.
4. Western Wireless shall submit information to the federal universal service administrator, the Universal Service Administrative Company (USAC), pursuant to 47 C. F. R. § 54.401 (d), demonstrating that its Lifeline service meets the FCC requirements, and stating the number of qualifying low-income customers and the amount of state assistance, if any. Western Wireless shall provide the USAC an

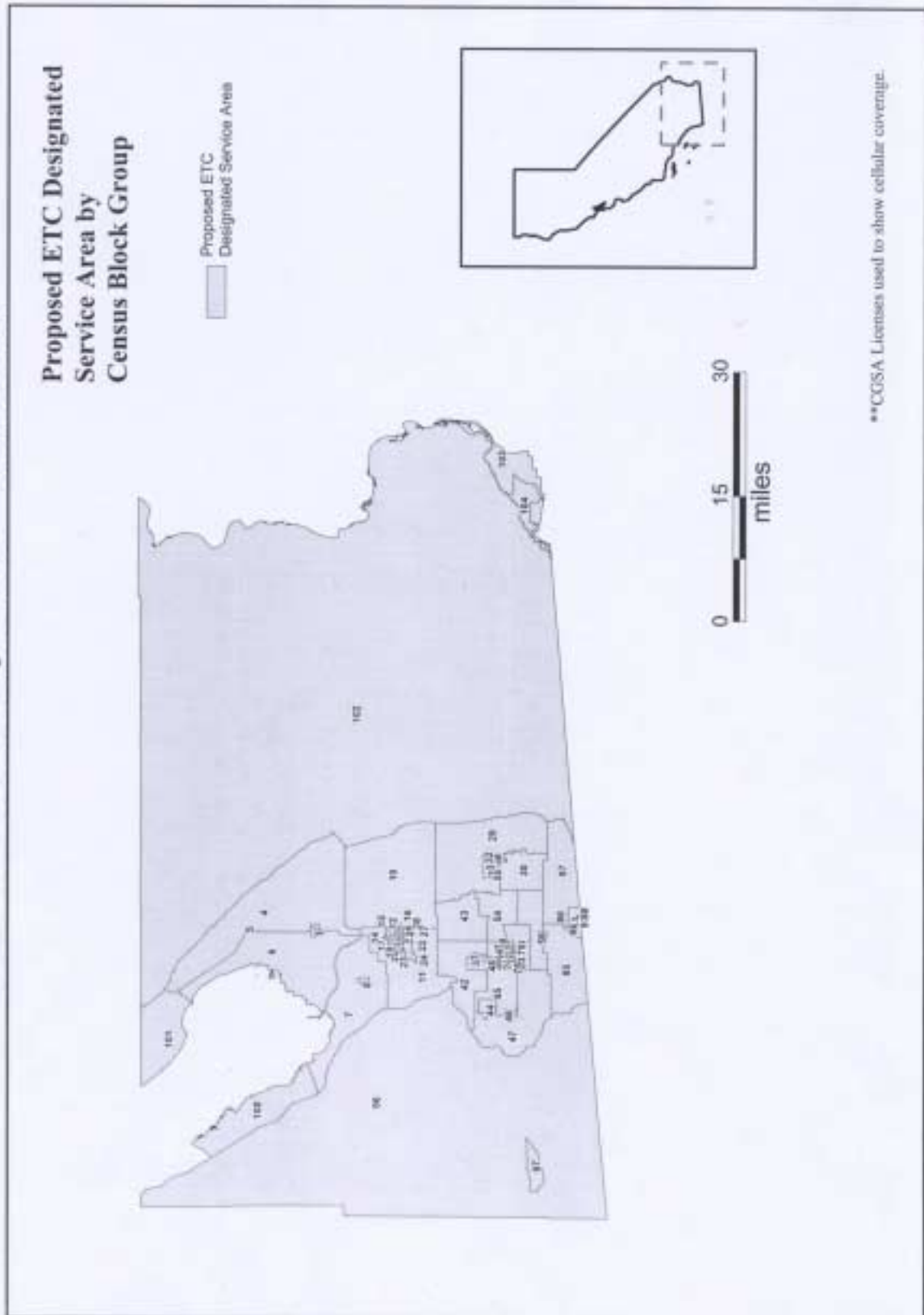
estimated amount of state assistance (if any) based on current ULTS rates, net of the expected amount of federal support. A Copy of Western Wireless' filing with the USAC shall be provided to the Director of the Telecommunications Division.

This Resolution is effective today.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on May 6, 2004. The following Commissioners approved it:

WILLIAM AHERN
Executive Director

Western Wireless Corporation - California 7



Western Wireless ETC II Designated Service Area
California RSA 7

Key	Blockgroup
1	60250101001
2	60250101002
3	60250101003
4	60250101004
5	60250101005
6	60250101006
7	60250102001
8	60250102002
9	60250102003
10	60250103001
11	60250103002
12	60250104001
13	60250104002
14	60250104003
15	60250104004
16	60250104005
17	60250105001
18	60250105002
19	60250105003
20	60250105004
21	60250106001
22	60250106002
23	60250106003
24	60250106004
25	60250107001
26	60250107002
27	60250107003
28	60250107004
29	60250108001
30	60250108002
31	60250109001
32	60250109002
33	60250109003
34	60250109004
35	60250109005
36	60250109006
37	60250110001
38	60250110002
39	60250110003
40	60250110004
41	60250110005
42	60250110006

Key	Blockgroup
43	60250110007
44	60250111001
45	60250111002
46	60250111003
47	60250111004
48	60250112011
49	60250112012
50	60250112021
51	60250112022
52	60250112023
53	60250112024
54	60250113001
55	60250113002
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61	60250114003
62	60250114004
63	60250114005
64	60250115001
65	60250115002
66	60250115003
67	60250115004
68	60250115005
69	60250116001
70	60250116002
71	60250116003
72	60250116004
73	60250117001
74	60250117002
75	60250117003
76	60250117004
77	60250118011
78	60250118012
79	60250118021
80	60250118022
81	60250118023
82	60250118024
83	60250118025
84	60250118031

Key	Blockgroup
85	60250119001
86	60250119002
87	60250119003
88	60250120001
89	60250120002
90	60250120003
91	60250121001
92	60250121002
93	60250121003
94	60250122001
95	60250122002
96	60250123011
97	60250123012
98	60250123021
99	60250123022
100	60250123023
101	60250124001
102	60250124002
103	60250125001
104	60250125002
105	60250125003